

BEFORE THE
Communications C
WASHINGTON, DC 20554

In the Matter of)
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Broadcast Localism) MB Docket No. 04-233
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To: The Commission

**COMMENTS OF THE
CRAWFORD BROADCASTING COMPANY**

Crawford Broadcasting Company (“Crawford”) and its affiliates are licensees of 24 AM and FM commercial broadcast stations¹. As such, we have great interest in the Commission’s Report on Broadcast Localism and Notice of Proposed Rulemaking (“Notice”) and tender the following comments in response thereto.

I. Communication between Licensees and their Communities

A. Unattended Operation

Crawford opposes any repeal of the rule changes that allow for unattended operation². This mechanism more than any other has allowed stations that would not otherwise be financially viable to continue to operate and serve the public. Many stations, particularly those in small markets, operate on the razor's edge of profitability. Their economies are such that the addition of paid staff members to man the station during all hours of operation would push such operations into unprofitability. Commercial broadcasting is not charity work. A station must show a profit, however marginal, to remain viable for the long term. Stations going dark or being sold to large entities not part of the local community is not in the public interest.

Further, properly implemented state and local Emergency Alert System plans will result in timely airing of critical information whether or not an operator is on duty. Timely dissemination of emergency information is,

¹ Crawford affiliates include KBRT, Avalon, CA; KCBC, Riverbank, CA; KJSL/KSTL, St. Louis, MO; KKPZ, Portland, OR; KLZ/KLDC, Denver, CO; KLTT, Commerce City, CO; KLVZ, Brighton, CO; WDCX, Buffalo, NY; WDJC-FM/WYDE/WXJC, Birmingham, AL; WXJC-FM, Cordova, AL; WYDE-FM, Cullman, AL; WMUZ, Detroit, MI; WEXL, Royal Oak, MI; WRDT, Monroe, MI; WLGZ, Rochester, NY; WLGZ-FM, Webster, NY; WPWX, Hammond, IN; WSRB, Lansing, IL; WYRB, Genoa, IL; WYCA, Crete, IL

² Notice at 15

in this day and age, simply not a valid argument against unattended operation.

Because of the aforementioned economies that so often exist in radio stations, if required to man the operation any time the station was on the air, many licensees would have no choice but to reduce their operating schedules to the minimum allowed. The station would simply be off the air a great deal of the time, and during such off-air times, there would be no EAS alert transmissions or other programming. This would be counter-productive and would in no way serve the public interest.

With respect to responsiveness to community needs and issues, the reality is that allowing a station to operate unattended provides the opportunity for otherwise occupied staff members to ascertain such needs and issues and develop programming responsive thereto. For example, a staff member that would be tied to the transmitter duty operator position (“control point”) if unattended operation were not allowed could be out in the community talking with people, gathering news and information, performing interviews and then producing responsive programming. Again, requiring full-time operational staffing would in many cases be counter-productive and result in a net loss of public service.

B. “The Public and Broadcasting”

Crawford agrees with the need to update “*The Public and Broadcasting*.”³ Further, we endorse the establishment of a point of contact at the FCC to assist the public with information on Commission procedures

C. Enhanced Disclosure⁴

With regard to Enhanced Disclosure, we believe that the form and the content it requests are structured for television and for the way television operates. Radio is different, and we believe that simply taking an established television reporting mechanism and making it applicable to radio would be ill advised.

Unlike television, which by nature must be more structured, radio can deal with issues and matters of public affairs in a free-form way. Crawford’s stations, for example, air daily short-form editorials and commentaries, public service announcements, comments and commentary by hosts, management and ownership. These elements are woven throughout the other structured and scheduled programming elements. Television cannot do that. We believe that the present system works. The identification of public affairs issues and the programming elements we generate to deal with them is certainly adequate.

We also believe that utilization of Enhanced Disclosure would raise the quantitative issue – how many such issues would a licensee deal with and how much programming would be required to be devoted thereto. We would object to the establishment of any minimum percentages of public affairs programming. The Commission has maintained a longstanding policy of non-

³ Notice at 17

⁴ Notice at 20

involvement in programming matters, and we believe that this policy should continue.

It has been our observation that many local issues are also national issues. It is thus often impossible to separate local and national issues. Crime, for example, is both a local and national issue. So is the economy. There are many facets of these issues that overlap nationally and locally; we would not support any effort to segregate the two.

As such, we do not endorse the adoption of Enhanced Disclosure for radio, nor any regulatory program that is not uniquely fashioned for radio.

D. Community Advisory Boards⁵

We believe that the entire concept of Community Advisory Boards to be ill-advised. By nature, members of such boards would each come with their own agendas, their own bias and special interests. It has been our experience that volunteer board members, each with their own personal and business schedules, are often unavailable. Scheduling regular quarterly meetings would be difficult and, we believe, pointless and fruitless. The issues which would be brought to the table by such board members would be well known to any involved licensee. If relevant, the issue would be dealt with in due course.

Perhaps most disturbing about this proposal is the lack of definition of what kinds of problems and issues would be required to be dealt with by the licensee, how many and how often such would need to be dealt with in terms of public affairs programming. As stated above, we do not believe that the FCC should set quantitative standards, but without a statutory upper limit, protesting individuals or groups can complain ad infinitum about either quantity or quality. Licensees would then spend valuable time and money defending and justifying. This would represent time spent away from programming and marketing (and thus public service) in what is in many cases a fragile economy indeed.

Further, we see no standards proposed with respect to how many board members would be required, who they would be, what groups would be acceptable and what groups not, and whether or not any such groups truly and qualitatively represent the community and issues at hand. In the real world, things often don't work in that formal, regular way that government would like them to. An example that comes to mind is a local counterculture group such as the Ku Klux Klan that might have a number of members in a particular community. Would representation of that group on a Community Advisory Board be required if representation were requested by the group? What issues would such a group bring to the table, and what treatment would licensees within that community be required to give those issues?

The notice suggests that the licensee should consult with the board almost as if the board should approve certain decisions regarding programming and response to issues. We view this as dangerous and it waters down the responsibility and authority of licensees. Each one of Crawford's stations, for example, has employees on the alert from management on down with respect to issues, problems and emergencies, and

⁵ Notice at 25

all stations stand ready to deal with any such as they may occur. Consultation with an advisory board as the Commission suggests is not only unnecessary but valueless.

We believe this to be particularly the case with respect to minorities and ethnicities. Such “board consultation” would result in badgering, demand, even threat and result in undue pressure upon programming and decision making. It would be impossible for a licensee to satisfy everyone, particularly when competing viewpoints are in play. Dealing with such could well be disastrous for small companies, small radio stations with small staffs who don’t have the resources to deal with the ongoing borage of demand, input and request for programming or programming changes.

The Commission must recognize that all radio stations are not alike. There are stations with annual billings of millions of dollars, and these stations can (and probably should) do far more than the vast majority stations that operate with much smaller revenues and smaller staffs.

A related issue is access to broadcast station decision makers (i.e. management or owners) by the public. We believe that in some cases such a notion is naïve at best. Dealing directly with members of the public would be a distraction, robbing these busy individuals of quality time that would otherwise be spent running the business. As we mentioned above, radio station economies are often fragile, perhaps in contradiction to the popular notion that a radio station license is a license to print money. The reality is that many if not most licensees simply cannot afford to devote considerable time to direct interaction with the public. Licensees structure their businesses so that interaction with the public is handled efficiently at a level where such interaction is most productive. The public now has more access than ever via email and the Internet. There is the implication that the Commission would require a certain response within a limited time frame, and this could well produce a situation wherein the licensee would have to justify why a response or public interaction did not occur. We believe this would represent time wasted without any real benefit to the broadcasting process or the public.

Yet another related issue is that of filing and record retention. Station files would no doubt be jammed with volumes of worthless information that is never used by the station, the public and certainly not the FCC. Scanning these documents into electronic format for accessibility on station websites would tremendously increase the burden on the licensee. This would be an expensive boondoggle that is of no benefit to anyone.

We believe that the whole concept of Community Advisory Boards is fraught with problems and as such, we object to any requirement therefor.

II. Nature and Amount of Community Responsive Programming

A. Main Studio Rule⁶

We believe that the 1987 revision of the Main Studio Rule has served the broadcast industry and the public well. It has allowed stations in many cases to operate with economies of scale that fostered profitable operation

⁶ Notice at 41

that otherwise might not exist. Further, it has given licensees reasonable options as to where to locate their main studios.

Many of Crawford's main studios are in fact located within the community of license. In our many years of operation, it has been a rarity indeed to have a member of the public from the community of license come to the studio for any non-business purpose. Public file visits are virtually non-existent. The reality is that the Internet, email and other modern means of communications has made the need for situating a station's main studio within the community of license completely unnecessary.

If the Commission were to reinstate the old main studio rule, thousands of stations would have main studio locations grandfathered to their existing out-of-community locales. Over a very long period of time, perhaps some would relocate back to their principle communities, but because of the great expense of relocating a radio station studio (including finding and coordinating STL frequencies), most would opt to stay put. In short, unless the Commission was to take the unreasonable step of requiring relocation to the principle community within a certain time frame, revision of the main studio rule to its pre-1987 language would have no effect and thus no benefit to the public.

We oppose any change in the main studio rule.

III. Political Programming

With regard to political broadcasts, we believe that the present system works very well and that the existing requirements with respect to political advertising and broadcasting are most appropriate. We agree with the Commission that many broadcasters take very seriously their responsibility to inform their listeners about political issues⁷. Crawford is certainly among that group. There are standards and criteria with respect to political programming and involvement in broadcasting by politicians which are working well. The lowest unit rate, although somewhat unclear at times, also works well and to the benefit of the public and politicians. We believe no changes are necessary.

We would note that public dialogue and discourse via the mechanism of talk radio has increased dramatically since the Fairness Doctrine has disappeared from the scene. This has obviously been to the public good. Members of the public tune into the viewpoint of their choice in droves. Hamstringing such public dialogue and discourse by imposing artificial requirements for "equal time" would not be in the public interest by any stretch of the imagination. We would oppose any effort to reimplement the Fairness Doctrine directly or indirectly, by a return to some form of the Fairness Doctrine of old or by the implementation of certain standards with respect to balance, equal programming time or equal opportunity.

IV. Underserved Audiences

A. Payola/Sponsorship Identification⁸

⁷ Notice at 66

⁸ Notice at 98

We condemn the practices of “payola” and “plugola” in any form and are willing to abide by any reasonable rules the Commission may impose. Definitions of each should be clear, including possible sanctions. Minor infractions in each category are inevitable and the licensee should have as much authority as necessary to deal with the problems, even after the fact. We believe the general approach is working and we would encourage the Commission to keep changes to a minimum other than clarification.

B. Voice-Tracking⁹

It has been our experience that voice-tracking can and often does provide smaller market stations and audiences with access to talent and material that would otherwise be unavailable. This provides the audience with a more pleasant listening experience than might otherwise be available with the resources available in the local market.

We do not believe that the presence of voice-tracked segments in a local station’s programming lineup in any way diminishes the overall local content of the station. In our observation, most such stations still carry local news and weather, and these stations continue to have the same obligations to the local community with respect to local issues and programs. As such, we do not support any Commission action to eliminate voice-tracking as a programming element.

C. License Renewal Procedures¹⁰

We believe that any changes in license renewal procedures that make such renewal performance-based would be fraught with peril. Again, we do not believe that the FCC should get involved with programming or set performance standards in any way. That would of course especially include public affairs. It is one thing to quantify, but to allow groups or individuals to protest the qualitative nature of such programming (such as, in their opinions, insufficiently dealing with their pet issues) invites disaster.

Licensees quite often build their station identities on the basis of viewpoint. For example, many stations promote a conservative viewpoint and deal with any and all issues of public affairs from a conservative standpoint. Those with a liberal viewpoint could protest in such a case, claiming imbalance or otherwise producing a qualitative evaluation of the station’s programming based on their own bias. This would delay renewals, cause a tremendous burden on Commission staff and produce significant cost in defense. The same would be true in the opposite case. If qualitative treatment of issues (or anything more than the most basic quantitative evaluation) is a criterion for license renewal, there will be objections, delays and expense. None of this would serve the public interest.

If the Commission seeks quantitative standards with respect to public affairs programming for license renewal purposes, such standards should be perfectly clear. It should be equally clear that the FCC will simply not be involved in a qualitative analysis of any programming which may be relevant for license renewal purposes.

⁹ Notice at 101

¹⁰ Notice at 113

Our experience has shown that the old requirements which included surveys, interviews, issue determination and openness to the public are wasteful and useless. We would object to the reinstatement of such requirements in any form. We believe that pre- and post-filing announcements are fully adequate, providing the public with an ample window of response. We would have no objection to additional announcements, such as may be posted on the station website.

Respectfully submitted,
CRAWFORD BROADCASTING COMPANY

Donald B. Crawford
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